TABLE OF CONTENTS

CHAPTER Env-Wt 100 ORGANIZATIONAL RULES

PART Env-Wt 101 DEFINITIONS

Env-Wt 101.01 100-year Floodplain

Env-Wt 101.02 Abandoned

Env-Wt 101.03 Abutter

Env-Wt 101.04 Accessory Docking Structure

Env-Wt 101.05 Activity Sponsor

Env-Wt 101.06 Applicant

Env-Wt 101.07 Bank

Env-Wt 101.08 Beach

Env-Wt 101.09 Boathouse

Env-Wt 101.10 Boatslip

Env-Wt 101.11 Bog

Env-Wt 101.12 Breakwater

Env-Wt 101.13 Bulkhead

Env-Wt 101.14 Bureau

Env-Wt 101.15 Canopy

Env-Wt 101.16 Certified Wetland Scientist

Env-Wt 101.17 Commercial Use of Structures

Env-Wt 101.18 Commissioner

Env-Wt 101.19 Compensatory Mitigation

Env-Wt 101.20 Conservation Area

Env-Wt 101.21 Conservation Commission

Env-Wt 101.22 Conservation Project

Env-Wt 101.23 Continued Agricultural Use

Env-Wt 101.24 Corduroy Road

Env-Wt 101.25 Council

Env-Wt 101.26 Cribs

Env-Wt 101.27 Cropland

Env-Wt 101.28 Department

Env-Wt 101.29 Design Fetch

Env-Wt 101.30 Developed Upland

Env-Wt 101.31 Director

Env-Wt 101.32 Dock

Env-Wt 101.33 Dock

Env-Wt 101.34 Dolphin

Env-Wt 101.35 Drainage Swale

Env-Wt 101.36 Dredge

Env-Wt 101.37 Dredge Spoils

Env-Wt 101.38 Dune Vegetation

Env-Wt 101.39 Ephemeral Stream

Env-Wt 101.40 Erosion Control

Env-Wt 101.41 Excavate

Env-Wt 101.42 Fetch

Env-Wt 101.43 Fill

Env-Wt 101.44 Fill

Env-Wt 101.45 Flats

Env-Wt 101.46 Float

Env-Wt 101.47 Functional Assessment

i Env-Wt

- Env-Wt 101.48 Grandfathered Status
- Env-Wt 101.49 Highest Observable Tide Line
- Env-Wt 101.50 Hydric Soil
- Env-Wt 101.51 Hydrophyte
- Env-Wt 101.52 Intermittent Stream
- Env-Wt 101.53 Jetty
- Env-Wt 101.54 Jurisdiction
- Env-Wt 101.55 Jurisdictional Area
- Env-Wt 101.56 Maintenance of Structures
- Env-Wt 101.57 Major Docking System
- Env-Wt 101.58 Major Project
- Env-Wt 101.59 Marina
- Env-Wt 101.60 Marsh
- Env-Wt 101.61 Minimum Impact Project
- Env-Wt 101.62 Minor Project
- Env-Wt 101.63 Mooring
- Env-Wt 101.64 Navigable Frontage
- Env-Wt 101.65 Nontidal Wetland
- Env-Wt 101.66 Normal High Water
- Env-Wt 101.67 Open Pile Construction
- Env-Wt 101.68 Pasture
- Env-Wt 101.69 Perennial Stream
- Env-Wt 101.70 Permanent Dock
- Env-Wt 101.71 Permit Action
- Env-Wt 101.72 Pier
- Env-Wt 101.73 Pile
- Env-Wt 101.74 Practicable
- Env-Wt 101.75 Preservation
- Env-Wt 101.76 Primary Vernal Pool Indicators
- Env-Wt 101.77 Public Hearing
- Env-Wt 101.78 Repair
- Env-Wt 101.79 Replacement
- Env-Wt 101.80 Retaining Wall
- Env-Wt 101.81 Revetment
- Env-Wt 101.82 Rip-Rap
- Env-Wt 101.83 Roadway
- Env-Wt 101.84 Rocker Box
- Env-Wt 101.85 Sand Dune
- Env-Wt 101.86 Seasonal Dock or Seasonal Structure
- Env-Wt 101.87 Secondary Vernal Pool Indicators
- Env-Wt 101.88 Sedimentation Controls
- Env-Wt 101.89 Service Area
- Env-Wt 101.90 Shoal
- Env-Wt 101.91 Shoreline Frontage
- Env-Wt 101.92 Significant Environmental Impact
- Env-Wt 101.93 Siltation Curtain
- Env-Wt 101.94 Sluice
- Env-Wt 101.95 Stream Crossing
- Env-Wt 101.96 Stream Restoration
- Env-Wt 101.97 Structure
- Env-Wt 101.98 Substantial Public Interest

ii Env-Wt

Env-Wt 101.99 Surface Water Body or Surface Waters

Env-Wt 101.100 Swamp

Env-Wt 101.101 Tidal Buffer Zone

Env-Wt 101.102 Tidal Flat

Env-Wt 101.103 Tidal Flushing

Env-Wt 101.104 Tidal Wetland

Env-Wt 101.105 Unnecessary Hardship

Env-Wt 101.106 Upland

Env-Wt 101.107 Upland Buffer

Env-Wt 101.108 Vernal Pool

Env-Wt 101.109 Watercourse

Env-Wt 101.110 Watershed

Env-Wt 101.111 Weephole

Env-Wt 101.112 Wet Meadow

Env-Wt 101.113 Wetland

Env-Wt 101.114 Wetland Creation

Env-Wt 101.115 Wetland Enhancement

Env-Wt 101.116 Wetland Restoration

Env-Wt 101.117 Wharf

PART Env-Wt 102 STATEMENT F PURPOSE AND ACCESS TO FILES

Env-Wt 102.01 Purpose

Env-Wt 102.02 Access to Files

iii Env-Wt

CHAPTER Env-Wt 200 RULES OF PRACTICE AND PROCEDURE

PART Env-Wt 201 PURPOSE AND APPLICABILITY

Env-Wt 201.01 Purpose Env-Wt 201.02 Applicability

PART Env-Wt 202 PERMIT APPLICATION HEARINGS

Env-Wt 202.01 Permit Application Hearings – When Held

Env-Wt 202.02 Permit Application Hearings: Procedures

PART Env-Wt 203 CHALLENGES TO DECISIONS MADE UNDER RSA 482-A

Env-Wt 203.01 Contesting an Enforcement Decision

Env-Wt 203.02 Contesting a Permitting Decision

PART Env-Wt 204 WAIVERS

Env-Wt 204.01 Purpose

Env-Wt 204.02 Procedures

Env-Wt 204.03 Content of Waiver Requests

Env-Wt 204.04 Signature Required

Env-Wt 204.05 Criteria for Waivers to Rules

Env-Wt 204.06 Criteria for Waivers under RSA 482-A:26, III(b)

Env-Wt 204.07 Decisions

Env-Wt 204.08 Suspension, Revocation, or Modifications of Waivers

iv Env-Wt

CHAPTER Env-Wt 300 CRITERIA AND CONDITIONS FOR PERMITS

PART Env-Wt 301 DELINEATION AND CLASSIFICATION OF WETLANDS

Env-Wt 301.01 Delineation of Wetlands Boundaries

Env-Wt 301.02 Classification of Wetland Types

PART Env-Wt 302 CRITERIA FOR EVALUATION

Env-Wt 302.01 Statement of Purpose

Env-Wt 302.02 Department Action

Env-Wt 302.03 Avoidance, Minimization, and Mitigation

Env-Wt 302.04 Requirements for Application Evaluation

Env-Wt 302.05 After-the-Fact Application

PART Env-Wt 303 CLASSIFICATION OF PROJECTS

Env-Wt 303.01 Assignment of Classification

Env-Wt 303.02 Major Projects

Env-Wt 303.03 Minor Projects

Env-Wt 303.04 Minimum Impact Projects

Env-Wt 303.05 Projects That Do Not Require a Permit

PART Env-Wt 304 APPROVAL CONDITIONS

Env-Wt 304.01 Conditions Specified on Permit

Env-Wt 304.02 Rock Removal

Env-Wt 304.03 Timing of Projects

Env-Wt 304.04 Setback from Property Lines

Env-Wt 304.05 Logging Operations

Env-Wt 304.06 Erosion and Siltation Control Measures

Env-Wt 304.07 Embankments Adjacent to Culverts and other Stream Crossings

Env-Wt 304.08 Beaches

Env-Wt 304.09 Subdivisions

Env-Wt 304.10 Shoreline Structures

Env-Wt 304.11 Dredging Projects

Env-Wt 304.12 Filling Projects

Env-Wt 304.13 Utility Crossings

Env-Wt 304.14 Gold Mining and Dredging

Env-Wt 304.15 Coffer Dams

v Env-Wt

CHAPTER Env-Wt 400 SHORELINE STRUCTURES

PART Env-Wt 401 STATEMENT OF PURPOSE AND EVALUATION

Env-Wt 401.01 Purpose

Env-Wt 401.02 Evaluation

PART Env-Wt 402 DESIGN AND CONSTRUCTION CRITERIA

Env-Wt 402.01 Configuration

Env-Wt 402.02 Navigation Space

Env-Wt 402.03 Dimensions

Env-Wt 402.04 Setbacks

Env-Wt 402.05 Seasonal Docks

Env-Wt 402.06 Permanent Docks

Env-Wt 402.07 Breakwaters

Env-Wt 402.08 Canopies

Env-Wt 402.09 Structures Disallowed

Env-Wt 402.10 Stairways

Env-Wt 402.11 Maintenance

Env-Wt 402.12 Frontage Less Than 75'

Env-Wt 402.13 Frontage Over 75'

Env-Wt 402.14 Exceptions To Frontage Criteria

Env-Wt 402.15 Commercial Use – Municipal Review

Env-Wt 402.16 Marinas – Design Standards

Env-Wt 402.17 Contiguous Frontage

Env-Wt 402.18 Ownership

Env-Wt 402.19 Deed Restriction

Env-Wt 402.20 Registration

Env-Wt 402.21 Modification of Existing Structures

PART Env-Wt 403 CRITERIA FOR INTAKE AND OUTFLOW STRUCTURES

Env-Wt 403.01 Intake Structures

Env-Wt 403.02 Outflow Structures

Env-Wt 403.03 Dikes, Tide Dams, and Tide Gates

PART Env-Wt 404 CRITERIA FOR SHORELINE STABILIZATION

Env-Wt 404.01 Least Intrusive Method

Env-Wt 404.02 Diversion of Water

Env-Wt 404.03 Vegetative Stabilization

Env-Wt 404.04 Rip-rap

Env-Wt 404.05 Walls

vi Env-Wt

CHAPTER Env-Wt 500 PERMIT PROCEDURE

PART Env-Wt 501 APPLICATION PROCEDURES

Env-Wt 501.01 Applications for Regular Review

Env-Wt 501.02 Additional Data Requirements

Env-Wt 501.03 Identification of Applications

Env-Wt 501.04 Applications for Minimum Impact Projects

Env-Wt 501.05 Mitigation Sequencing Process

Env-Wt 501.06 Mitigation Proposal Completeness

Env-Wt 501.07 Review of Compensatory Mitigation Proposals

PART Env-Wt 502 GENERAL CONDITIONS APPLICABLE TO ALL PERMITS

Env-Wt 502.01 Duration of Permit

Env-Wt 502.02 Transferability

Env-Wt 502.03 Filing Certificate of Compliance

Env-Wt 502.04 Repair or Rebuilding Structures

Env-Wt 502.05 Permit Acceptance

PART Env-Wt 503 EMERGENCY PROCEDURES

Env-Wt 503.01 Emergency Approvals

Env-Wt 503.02 Action After Emergency

PART Env-Wt 504 SMALL MOTOR DREDGING PERMITS

Env-Wt 504.01 Persons Requiring a Permit

Env-Wt 504.02 Application Requirements

Env-Wt 504.03 Conservation Commission Review

Env-Wt 504.04 Dredging Criteria

PART Env-Wt 505 EXPEDITED MINIMUM IMPACT PERMITS

Env-Wt 505.01 Application Completeness Requirements

Env-Wt 505.02 Expedited Review Procedures

Env-Wt 505.03 Expedited Permit Conditions

Env-Wt 505.04 Expedited Repair Contingency

PART Env-Wt 506 PERMIT BY NOTIFICATION

Env-Wt 506.01 Projects Qualifying for Permit by Notification

Env-Wt 506.02 Permit by Notification Procedures for Qualifying Projects

Env-Wt 506.03 Notification Completeness Requirements for Projects Qualifying for Permit by Notification in Env-Wt 506.01

Env-Wt 506.04 Conditions for Permit by Notification for Qualifying Projects

PART Env-Wt 507 SEASONAL DOCK NOTIFICATION

Env-Wt 507.01 Qualification for Seasonal Dock Notification

Env-Wt 507.02 Notification Procedures for Qualifying Seasonal Dock Projects

Env-Wt 507.03 Notification Completeness Requirements for Qualifying Seasonal Dock Projects

PART Env-Wt 508 SUSPENSION, REVOCATION, OR MODIFICATION OF PERMITS

Env-Wt 508.01 Purpose

Env-Wt 508.02 Suspension, Revocation, or Modification of Permits

vii Env-Wt

CHAPTER Env-Wt 600 TIDAL WETLANDS

PART Env-Wt 601 - REPEALED

PART Env-Wt 602 - REPEALED

PART Env-Wt 603 - REPEALED

PART Env-Wt 604 - REPEALED

PART Env-Wt 605 - REPEALED

PART Env-Wt 606 DESIGN AND CONSTRUCTION CRITERIA

Env-Wt 606.01 Fill Criteria

Env-Wt 606.02 Breakwater Criteria

Env-Wt 606.03 Piers, Docks, Wharves, and Floats Criteria

Env-Wt 606.04 Jetty Criteria

Env-Wt 606.05 Mooring and Marina Criteria

Env-Wt 606.06 Pile, Crib, and Caisson Criteria

Env-Wt 606.07 Utility Line, Pole, Tower, and Antennae Criteria

Env-Wt 606.08 Boardwalk Criteria

Env-Wt 606.09 Trails, Roadways, Access, and Boat Ramps

Env-Wt 606.10 Boathouses and Shoreline Slips

Env-Wt 606.11 Part Taking Precedence

viii Env-Wt

CHAPTER Env-Wt 700 PRIME WETLANDS

PART Env-Wt 701 CRITERIA AND EVALUATION

Env-Wt 701.01 Purpose

Env-Wt 701.02 Identification of Wetlands for Consideration as Prime

Env-Wt 701.03 Selection of Evaluation Criteria

Env-Wt 701.04 Selection of Designated Prime Wetlands

PART Env-Wt 702 SUBMISSION

Env-Wt 702.01 Report

Env-Wt 702.02 Map Format

Env-Wt 702.03 Acceptance

PART Env-Wt 703 PERMIT PROCESS

Env-Wt 703.01 Criteria for Approval

Env-Wt 703.02 Criteria for Mitigation and Compensation

Env-Wt 703.03 Public Hearing

Env-Wt 703.04 Delineation of Prime Wetland

PART Env-Wt 704 NOTIFICATION PERMIT ISSUANCE AND APPEAL

Env-Wt 704.01 Permit Issuance

Env-Wt 704.02 Appeal

ix Env-Wt

CHAPTER Env-Wt 800 COMPENSATORY MITIGATION

PART Env-Wt 801 PURPOSE, APPLICABILITY, AND TYPE OF COMPENSATORY MITIGATION REQUIRED

Env-Wt 801.01 Purpose

Env-Wt 801.02 Applicability

Env-Wt 801.03 Type of Compensatory Mitigation Required

PART Env-Wt 802 DEFINITIONS

Env-Wt 802.01 Conservation Easement

Env-Wt 802.02 Conservation Interest

Env-Wt 802.03 In-Lieu Fee Payment

Env-Wt 802.04 Permittee-Responsible Mitigation

Env-Wt 802.05 Qualified Professional

PART Env-Wt 803 COMPENSATORY MITIGATION PROPOSALS

Env-Wt 803.01 Permittee-Responsible Mitigation Proposals

Env-Wt 803.02 In-Lieu Fee Mitigation Proposals

Env-Wt 803.03 Compensatory Mitigation Site Location

Env-Wt 803.04 Compensation Amount

Env-Wt 803.05 Compensatory Mitigation Ratios

Env-Wt 803.06 Alternative Compensatory Mitigation Proposals

Env-Wt 803.07 Criteria for Acceptance of In-Lieu Fee Payments

Env-Wt 803.08 Notification of Decision on a Proposed In-Lieu Fee Payment

PART Env-Wt 804 UPLAND BUFFER PRESERVATION

Env-Wt 804.01 Location and Value

Env-Wt 804.02 Dimensions

Env-Wt 804.03 Incorporated Jurisdictional Areas

Env-Wt 804.04 Criteria for Evaluation of an Upland Buffer

PART Env-Wt 805 WETLAND RESTORATION OR CREATION

Env-Wt 805.01 Wetland Restoration or Creation

Env-Wt 805.02 Criteria for Evaluation

Env-Wt 805.03 Plans for Wetland Restoration or Creation Projects

PART Env-Wt 806 REQUIREMENTS UPON PERMITTING

Env-Wt 806.01 Notification of Construction Completion

Env-Wt 806.02 Annual Monitoring Report

Env-Wt 806.03 Implementation of Remediation Plan

Env-Wt 806.04 Notification of Recorded Conservation Interest

Env-Wt 806.05 Submittal of In-Lieu Fee Payment

PART Env-Wt 807 AQUATIC RESOURCE COMPENSATORY MITIGATION FUND

Env-Wt 807.01 Definitions

Env-Wt 807.02 Use of Aquatic Resource Compensatory Mitigation Fund

Env-Wt 807.03 Identification of Eligible Projects

Env-Wt 807.04 Requirements for ARM Fund Applications

Env-Wt 807.05 Processing of ARM Fund Applications

Env-Wt 807.06 Eligibility Criteria for Wetland Restoration or Creation Projects

Env-Wt 807.07 Eligibility Criteria for Land Protection Projects

Env-Wt 807.08 Requirements Upon Determination of Eligibility

Env-Wt 807.09 Environmental Site Assessment Requirements

x Env-Wt

Env-Wt 807.10 Survey Requirements

Env-Wt 807.11 Appraisal Requirements

Env-Wt 807.12 Title Examination Requirements

Env-Wt 807.13 Conservation Interest Instrument Requirements

Env-Wt 807.14 Stewardship Requirements

Env-Wt 807.15 Final Approval, Execution, and Deed Recordation

Env-Wt 807.16 Site Selection Committee

Env-Wt 807.17 Application Ranking and Selection by the Site Selection Committee

Env-Wt 807.18 Project Evaluation

Env-Wt 807.19 Annual Report

xi Env-Wt

CHAPTER Env-Wt 900 STREAM CROSSINGS PART Env-Wt 901 PURPOSE AND APPLICABILITY Env-Wt 901.01 Purpose Env-Wt 901.02 Applicability Env-Wt 901.03 Exemptions PART Env-Wt 902 DEFINITIONS Env-Wt 902.01 Aggradation Env-Wt 902.02 Aquatic Life Env-Wt 902.03 Bankfull Flow Env-Wt 902.04 Bankfull Width Env-Wt 902.05 Closed Culvert Env-Wt 902.06 Connectivity Env-Wt 902.07 Designated River Env-Wt 902.08 Designated River Corridor Env-Wt 902-09 Embedded Env-Wt 902.10 Existing Legal Crossing Env-Wt 902.11 Forest Management Activities Env-Wt 902.12 Normal Agricultural Operations Env-Wt 902.13 Open-Bottom Culvert Env-Wt 902.14 Permanent Crossing Env-Wt 902.15 Pipe Arch Env-Wt 902.16 River Corridor Env-Wt 902.17 Span Structure Env-Wt 902.18 Stream Channel Env-Wt 902.19 Stream Enhancement Env-Wt 902.20 Stream Simulation Env-Wt 902.21 Temporary Crossing Env-Wt 902.22 Protected Species or Habitat Env-Wt 902.23 Tier One Stream Crossing Env-Wt 902.24 Tier 2 Stream Crossing Env-Wt 902.25 Tier 3 Stream Crossing Env-Wt 902.26 Trail Activities PART Env-Wt 903 STREAM CROSSINGS: CLASSIFICATIONS AND APPLLICATIONS Env-Wt 903.01 Classification of Stream Crossings and Stream Crossing Projects Env-Wt 903.02 Application Fees Env-Wt 903.03 Information Required for a Stream Crossing Application PART Env-Wt 904 DESIGN AND CONSTRUCTION OF STREAM CROSSINGS Env-Wt 904.01 General Design Consideration Env-Wt 904.02 Tier One Stream Crossings Env-Wt 904.03 Tier 2 Stream Crossings Env-Wt 904.04 Tier 3 Stream Crossings Env-Wt 904.05 Design Criteria for Tier 2 and Tier 3 Stream Crossings Env-Wt 904.06 Repair or Rehabilitation of Tier One or Tier 2 Existing Legal Stream Crossings Env-Wt 904.07 In-Kind Replacement of Tier One or Tier 2 Existing Legal Stream Crossings

PART Env-Wt 905 CERTIFIED CULVERT MAINTAINER PROGRAM Env-Wt 905.01 Applicability

Env-Wt 904.09 Alternate Designs

Env-Wt 904.08 Replacing Tier 3 Existing Legal Stream Crossings

xii Env-Wt

Env-Wt 905.02 Definitions

Env-Wt 905.03 Qualifications for Initial Certificate

Env-Wt 905.04 Application for Initial Certificate

Env-Wt 905.05 Signature Required

Env-Wt 905.06 Issuance of Certificate

Env-Wt 905.07 Certificate Renewal; Continuing Education Required

Env-Wt 905.08 Obligations and Responsibilities of Certified Individuals

Env-Wt 905.09 Quarterly Reporting Required

Env-Wt 905.10 Suspension, Revocation, or Refusal to Renew Certificate

Env-Wt 905.11 Designation as Approved Provider

xiii Env-Wt